

To: All SEVIS Users

Date: August 5, 2013

Re: Guidance on Form I-20 issuance subsequent to the June 26, 2013, Supreme Court ruling on the Defense of Marriage Act

Number: 1308-01

Comments

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General Information

On June 26, 2013, the Supreme Court ruled that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional.

The Department of State, Bureau of Consular Affairs has advised consulates that their officials may issue derivative visas based on same-sex marriage if the marriage is “recognized in the place of celebration.” That is, if the country where the couple married recognizes same-sex marriage as legal, then the U.S. government will recognize the union as legal for visa issuance, irrespective of where the couple plans to reside. The Department of State will be updating the reciprocity tables pursuant to *9 FAM 41.105* to identify what types of marriages are available for same-sex couples.

A designated school official (DSO) should continue to verify marriages consistent with current practices and should now do so for a same-sex marriage if it is “recognized in the place of celebration.” Once the marriage is verified, a DSO then may issue a Form I-20, “Certificate of Eligibility for Nonimmigrant Status,” to a same-sex spouse of an F-1 or M-1 nonimmigrant who is seeking admission into the United States as an F-2 or M-2 dependent.

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